

1. KIRK & CAROL SNYDER ZONING MAP AMENDMENT & MICHAEL GENTRY PROPERTY ZONING DEVELOPMENT PLAN

- a. MAR 2013-1: KIRK & CAROL SNYDER (2/28/13)* - petition for a zone map amendment from a Professional Office (P-1) zone to a Highway Service Business (B-3) zone, for 0.6138 net (0.9857 gross) acre, for property located at 3270 Richmond Road.

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Sector 9a) recommends Professional Services (PS) future land use for the subject property. The petitioner proposes to rezone the property to a B-3 zone, and to maintain the existing veterinary clinic and associated off-street parking on the site.

The Zoning Committee Recommended: Approval, for the reasons provided by staff.

The Staff Recommended: Approval for the following reasons:

1. The requested Highway Service Business (B-3) zoning for the subject property will allow the property to develop for uses that are compatible in terms of use, intensity, and character with those on the adjoining properties. The veterinary clinic is a principal permitted use in the B-3 zone; thus, the property can continue to operate as a principal permitted use for the foreseeable future.
2. Recent changes in zoning and to the Richmond Road Traffic and Safety Ordinance, as well as the subsequent development of the area, constitute major changes of a physical and economic nature that have altered the basic character of the area that were not anticipated by the 2007 Comprehensive Plan. These have increased the permitted intensity of land use in this area over that recommended by the Plan.
3. This recommendation is made subject to approval and certification of ZDP 2013-9: Michael Gentry Property prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
4. Under the provisions of Article 6-7 of the Zoning Ordinance, the subject property shall be restricted with the following prohibited uses:

PROHIBITED USES:

- a. Adult entertainment establishments, adult bookstores, and adult video stores.
- b. Drive-through windows accessory to restaurants.
- c. Cocktail lounges not associated with restaurants.
- d. Nightclubs.
- e. Billboards.
- f. Cellular telephone towers.
- g. Amusement parks and fairgrounds.
- h. Outdoor loud speakers or music.
- i. Hotels and motels.

These use restrictions are necessary and appropriate for the subject property to lessen the intensity of the uses due to the size of the property and to its lack of direct access onto Richmond Road.

- b. ZDP 2013-9: MICHAEL GENTRY PROPERTY (2/28/13)* - located at 3270 Richmond Road.
(Foster-Roland)

The Subdivision Committee Recommended: Approval, subject to the following conditions:

1. Provided the Urban County Council rezones the property B-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access and street cross-sections.
4. Building Inspection's approval of landscaping and landscape buffers.
5. Urban Forester's approval of tree inventory map.
6. Denote requested zone in site statistics.
7. Denote adjoining final record plat information.
8. Denote: This property shall be developed in accordance with the Richmond Road Access and Landscape Ordinance.
9. Remove extraneous soils information from plan.
10. Correct date in Commission's certification.
11. Denote name and address of developer and/or owners.
12. Denote topographical information and source.
13. Denote construction access location.
14. Denote height of building in feet.

* - Denotes date by which Commission must either approve or disapprove request.

Zoning Presentation: Mr. Sallee presented the staff's zoning report, briefly orienting the Commission to the location of the subject property just south of the intersection of Man O' War Boulevard and Richmond Road. Referring to a rendered zoning map, he noted that the subject property is surrounded on three sides by existing B-3 zoning, although B-1 and P-1 property was located across Richmond Road. The petitioner is requesting rezoning of the subject property to the B-3 zone in order to bring the property into conformance with the surrounding parcels.

Mr. Sallee displayed the 2007 Comprehensive Plan land use map on the overhead projector, explaining that the Plan's recommendation does not reflect the existing zoning at this location. The B-1 and P-1 properties across Richmond Road are recommended for Retail Trade and Professional Service uses, which do reflect the uses there. However, properties along the southwest side of Richmond Road are recommended for Professional Services use, as is the subject property. Located behind them, a Medium Density Residential land use recommendation is made by the Plan. Mr. Sallee stated that there have been substantial changes in the area since the adoption of the Comprehensive Plan in 2007, as well as recent changes to the adopted Richmond Road Traffic, Safety and Landscape Ordinance. Conditional zoning restrictions have also been modified since 2007 in the area.

Mr. Sallee said that the proposed rezoning to B-3 is not in agreement with the recommendation of the Comprehensive Plan. However, the staff believes that the proposed B-3 zone, with conditional zoning restrictions, would be appropriate at this location in order to allow the property to develop in substantial conformance with the adjoining properties. The staff and Zoning Committee have recommended approval of this request, for the reasons as listed in the staff report and on the agenda.

Mr. Sallee stated that the staff is also recommending conditional zoning restrictions for the subject property, as listed on the agenda and in the staff report. Those restrictions include a number of prohibited uses, which the staff believes are appropriate and necessary in order to lessen the intensity of the possible uses on the subject property, which does not have direct access to Richmond Road.

Mr. Martin presented the corollary preliminary development plan, noting that it depicts the existing conditions on the property. He stated that the subject property currently contains a veterinary clinic, which is just over 3,000 square feet in size, with 17 associated parking spaces, and access to the Richmond Road service road. Mr. Martin noted that the staff would anticipate that any redevelopment of the subject property would require the Planning Commission's review and approval of a final development plan.

With regard to the conditions for approval, Mr. Martin stated that they included the standard sign-offs, as well as some "clean-up" conditions and removal of extraneous information. He said that the staff has already reviewed a digital version of a revised plan, which addressed some of those conditions, and added that the staff and the Subdivision Committee recommended approval of this plan.

Petitioner Presentation: Jon Woodall, attorney, was present representing the petitioner. He stated that the petitioner is in agreement with the staff's recommendations, and thanked the staff for their time and assistance in reviewing the plan.

Citizen Comments: There were no citizens present who wished to comment on this request.

Zoning Action: A motion was made by Ms. Blanton, seconded by Ms. Mundy, and carried 10-0 (Penn absent) to approve MAR 2013-1, for the reasons provided by staff, including the conditional zoning restrictions as recommended by staff.

Development Plan Action: A motion was made by Ms. Blanton, seconded by Mr. Brewer, and carried 10-0 (Penn absent) to approve ZDP 2013-9, with the 14 conditions as listed on the agenda.

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